

AN ORDINANCE



06-0-0198

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; AND TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS WITH AFFECTED PROPERTY OWNERS FOR ROADWAY SERVICES FOR THE FREEMONT STREET, SPAIN PLACE, TUCKER AVENUE, MILLER AVENUE, PLYMSTOCK LANE, FIRST STREET, GLEN ECHO DRIVE AND ST. JOHN'S AVENUE UNPAVED STREET PAVINGS PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements and necessary rights-of-way from various property owners for roadway improvements for the Freemont Street, Spain Place, Tucker Avenue, Miller Avenue, Plymstock Lane, First Street, Glen Echo Drive and St. John's Avenue Unpaved Street Paving project; and

WHEREAS, state law, O.C.G.A Section 32-3-4 authorizes the use of declaration of taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of title and possession of property interests necessary for the timely completion of these projects which involve public road purposes or public transportation purposes; and

WHEREAS, state law requires a finding by a municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

NOW, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,

SECTION 1: That the use of declaration of taking as a method of condemnation be utilized to expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of the Freemont Street, Spain Place, Tucker Avenue, Miller Avenue, Plymstock Lane, First Street, Glen Echo Drive and St. John's Avenue Unpaved Street Paving project.

SECTION 2: That where the Chief Procurement Officer's negotiations with the affected property owners are unsuccessful, to institute necessary legal action through condemnation or any other method provided by law to acquire the property interests needed to complete for the Freemont Street, Spain Place, Tucker Avenue, Miller Avenue, Plymstock Lane, First Street, Glen Echo Drive and St. John's Avenue Unpaved Street Pavings project.

SECTION 3: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnation are hereby waived.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith be and are hereby repealed.